

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID EVANS,

Plaintiff,

v.

JOHN MARTIN, et al.,

Defendants.

No. 1:21-cv-00941-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION

(Doc. No. 9)

Plaintiff David Evans is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 13, 2021, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed as duplicative of a previously-filed case, *Evans v. Martin*, No. 1:21-cv-00093-DAD-BAM. (Doc. No. 9). The findings and recommendations also recommended that plaintiff's pending motion to proceed *in forma pauperis* (Doc. No. 2) be denied as having been rendered moot. (*Id.* at 1, 4.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 4.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on July 13, 2021 (Doc. No. 9) are  
6 adopted in full;
- 7 2. This action is dismissed as duplicative of *Evans v. Martin*, No. 1:21-cv-00093-  
8 DAD-BAM;
- 9 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) in this case be denied  
10 as moot; and
- 11 4. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: August 23, 2021

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UNITED STATES DISTRICT JUDGE